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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,088	11/23/1999	EDWARD A. RICHLEY	D/98588	4649
47374	7590	12/28/2004	EXAMINER	
LAW OFFICES OF PARTICK J.S. INOUE			LE, UYEN CHAU N	
810 THIRD AVENUE			ART UNIT	
SUITE 258			PAPER NUMBER	
SEATTLE, WA 98104			2876	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/448,088

Applicant(s)

RICHLEY ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Appeal Brief*

1. In light of the Applicant's argument, see pages 4-10 of the Appeal Brief filed 18 October 2004, with respect to the rejection(s) of claim(s) 1 and 3-13 under 35USC 103 rejection, the examiner withdraws the previous rejection. However, upon further consideration, a new ground(s) of rejection is made in view of the newly cited reference to Reichenbach (US 6,371,371).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 3, 4 and 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al (US 5,963,134) in view of Reichenbach (US 6,371,371).

Re claims 1, 3, 4 and 9: Bowers et al discloses a system 10 for identification and tracking of tags 54 distributed in a room. The system comprising a base station 42 for scanning beam; a tag 54 reactive to incident beams; and a tag tracking system 52 receiving input from the base station 42; the tag tracking system 52 storing state records of position and information content of the tag 54; wherein the tag 54 is passive (figs. 1-4; col. 7, line 8 through col. 10, line 64).

Bowers et al fails to teach or fairly suggest that the base station is a laser base station and that the tag tracking system determines angular position of the tag with respect to the laser base station and comprising at least two laser base stations wherein the tag tracking system determines absolute position of the tag.

Reichenbach teaches an angular position  $P_o (\alpha, \beta, \gamma)$  is determined by a laser base station [16, 17] (figs. 1-3; col. 4, line 34 through col. 5, line 59).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Reichenbach into the teachings of Bowers et al in order to provide Bowers et al with a more accurate system, wherein the laser beam would provide the system with a more accurate result and the exact location/position of an object can be established by determining its angular position. Furthermore, such modification would provide Bowers with a more versatile system wherein the system can use radio frequency and/or laser beams. Moreover, such modification would have Bowers et al with a more time consumption system wherein the exact location of an object/item can be located readily within a large scanning zone. Accordingly, such modification would have been a mere duplication of elements

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(i.e., two laser base stations) as taught by Bowers et al to provide a more accurate position/location of the detected object/item, and therefore an obvious expedient.

5. Claims 5-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al as modified by Reichenbach as applied to claim 1 above, and further in view of Moran et al (US 6,005,482). The teachings of Bowers et al as modified by Reichenbach have been discussed above.

Re claims 5-8 and 10-13, Bowers et al/Reichenbach have been discussed above but fails to expressly disclose or fairly suggest that the tag is active, having an internal power supply to power a data broadcast element; an optical data output element; a radio data output element; an acoustic data output element.

Moran et al teaches the above limitation radio tags 110, infrared tags 116, acoustic tags 122 (figs. 2 & 3; col. 8, line 16 through col. 9, line 9).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moran et al into the teachings of Bowers et al/Reichenbach in order to provide the user with the flexibility to retrieve the output data in various of forms (i.e., optical form, radio form, or acoustic form, etc.), and thus providing a more user-friendly system. Furthermore, such modification would have been an obvious extension as taught by Bowers et al/Reichenbach, well within ordinary skill in the art, and therefore an obvious expedient.

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***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

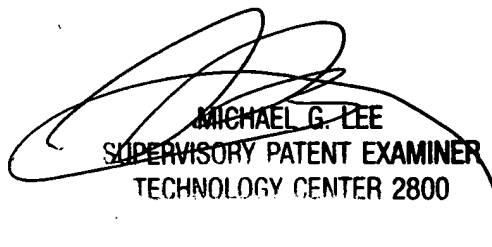
The patents to Girotti (US 6,135,352) and Saporetto (US 6,047,893) are cited as of interest and illustrate to a similar structure of a laser locating and tracking system for externally activated tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Uyen-Chau N. Le  
January 30, 2004

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800